

REMARKS


This response is submitted in response to the Office Action mailed January 11, 2006. Reconsideration of the restriction/election requirement, consideration and search of the claims, and allowance thereof are respectfully requested.

In the Office Action, the Examiner imposes a restriction/election requirement requiring election between the following claims groups: (1) Figure 1 which reads on the transmitter/headend, claims 1-17; (2) Figure 2, which reads on the receipt of the bitstream, claims 18-29; and (3) Figure 5, which reads on the receiver, claims 30-31. The Examiner alleges that claims to these figures are patentably distinct species. However, MPEP section 803 requires more than such a statement. In the "guidelines" for this section, it is stated that a "serious burden on the Examiner may be *prima facie* shown if the Examiner shows by appropriate explanation of separate classification, separate status in the art, or a different field of search," as defined in MPEP 808.02. The Examiner has not made any of these three possible showings. In the absence thereof, the restriction/election requirement is unsupported and should be withdrawn.

With traverse, Applicants provisionally elect claims 18-29 drawn to receipt of a bitstream (Group II) for examination henceforth, and claims 1-17 and 30-31 are to be considered withdrawn for further consideration. To the extent this restriction requirement is maintained by the Examiner, the Applicants reserve the right to subsequently file divisional applications in order to prosecute the inventions recited in any one or more of the non-elected groups of claims.

Respectfully submitted,

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